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Adam Fagan and Mladen Ostojic



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Introduction

- 1 Following the demise of communism, support for civil society development has become a top priority on the agenda of democracy assistance programmes implemented in Central and Eastern Europe by Western governments, aid agencies and donors. This policy has led to the emergence of a 'third sector' predominantly composed of donor-driven non-governmental organisations that have acquired significant influence on the public sphere in most transitional countries.
- 2 In Serbia, foreign assistance has been vital for upholding independent organisations and medias against the repression of an authoritarian regime throughout the nineties. Reminiscent of CEE in the late 1980s, a coalition of non-governmental organisations (NGOs) played a critical role in the downfall of Milosevic in October 2000 by campaigning for free and fair presidential elections and helping to mobilize voters, particularly the young. Civil society thus came to represent the liberal democratic conscience of Serbia. For some commentators, it continues to provide a lens or vantage point on political liberalisation, westernization, and the upholding of human and minority rights.
- 3 This paper looks at the impact of EU intervention on the third sector in post-Milosevic Serbia. We argue that the framing of EU pre-accession assistance to Serbia in terms of 'developing civil society' is a political distraction; it obfuscates the true purpose and outcomes of EU intervention by implying that the focus of aid is the empowerment and strengthening of civil society as an arena of political contestation and as the basis of democratic regime change. In practice, EU assistance has as its goal far less politically radical objectives: the aim is to build governance and state capacity.
- 4 Indeed, we claim that the impact and outcomes of EU assistance has, in reality, little to do with democracy promotion, widening political participation, or extending representation. Since its inception, EU assistance for civil society has largely by-passed

those organisations engaged in criticism of the government. Instead it has privileged an elite of professional NGOs engaged in policy development and service provision. In light of the incomplete regime change that arguably took place in Serbia, the strategy deployed by the EU has been criticized by human rights activists for having consolidated the status of political elites that are unwilling to make a break with the past and embrace the values and principles of liberal democracy. This state of affairs challenges the ability of the current democracy assistance programmes to generate a positive impact at the political level in transition countries. It even suggests that the action of the EU may have generated adverse effects, and raises further questions regarding how foreign interventions should be envisaged in societies where illiberal political groupings remain influential.

- 5 We start with a brief discussion on civil society as conceptualised by donors as part of development programmes and as a means for promoting democracy. In tune with other recent scholarly analysis of civil society promotion and donor intervention, we place particular emphasis on the conflation of civil society with NGOs.¹ In a second phase, we consider in more detail the political and legal contexts in which civil society development- or lack of it- is taking place in Serbia, with particular reference to EU assistance channelled through NGOs via short-term project grants. The final section looks at the status of the politically engaged human rights activists and their interaction with other NGOs and groupings within civil society. In the conclusion, we reflect on the implications of our analysis for democracy assistance policies and ponder how, what appears to be a divided and polarized “civil society”, impacts upon the process of regime change.

Developing 'Civil Society': NGOs as a Strategy for Democracy Promotion

- 6 Whereas a comprehensive analysis of 'civil society development' as a strategy of democracy-assistance clearly exceeds the scope of this paper, it is necessary to give a brief overview of the developments that took place in this domain during the last two decades in order to contextualise the situation in Serbia. Having played a pivotal role in the demise of the communist regimes during the eighties, civil society was seen by many observers as the most promising support for the implementation of liberal democracy in Eastern Europe². In response to the legacy of socialism during which the state exerted control over, or had an overwhelming influence on, every aspect of the public sphere, civil society was conceptualized as a political and social space in which citizens could articulate their interests and challenge the exercise of power.
- 7 By the mid nineties, civil society development became a key tool in democracy assistance programmes, in conjunction with support for electoral processes and institutional reforms that were already in place. In the ensuing period, significant amounts of foreign aid have been channelled to an array of locally established non-governmental organisations that sought to promote democratization through advocacy work, civic education, and the monitoring of elections and policies implemented by the government. This has led to the emergence of an affluent third sector composed of western-style professional organizations as the primary recipients of foreign aid in countries experiencing political and economic transition. These NGOs have generally been

successful in establishing linkages within the elite circles, and some of them have gained a considerable degree of political influence as they became involved in particular policy areas. By supporting and coordinating the activities of these nonpartisan organisations, foreign actors sought to exert an impact on the processes of democratisation in transition countries without getting directly involved in domestic politics. The logic of supporting democratization by developing civil society was reinforced by the advancement of the notion of 'social capital' that became particularly prominent amongst Western policy-makers at that time. This concept stressed the importance of associational life in fostering norms of reciprocity and trust that are essential for the active participation of citizens in decision-making processes and the smooth functioning of democratic institutions. Consequently, there was a widespread belief that a 'vibrant civil society' constituted a necessary element for the implementation of plural democracy in transitional societies, as well as for the good functioning of established democracies.

- 8 However, the concept of civil society adopted by international aid agencies and donors is substantially different from the one suggested by most scholars dealing with democratic theory. Indeed, international donors have endorsed a liberal notion of civil society based on partnership with the state and the representation of diverse interests at the elite level. In this view, the role of civic organisations is to assist the state in the implementation of its neo-liberal agenda, notably by taking up some responsibilities in the domain of regulation and social protection. Hence, most of the civil society development programmes focus on building the capacity of interest associations to participate in policy and decision making processes. This 'partnership' interpretation of civil society is fundamentally different from the 'radical' understanding of the concept as a realm in which power and dominant values can be contested. The latter perspective views civil society as politically-engaged grass-roots movements and organizations acting as a vehicle for contesting political and economic power. It is a normative conception of civil society that draws on the New Left Gramscian idea of a politicized, radical civil society, as well as veering close to Jurgen Habermas or Hannah Arendt's notion of a discursive public sphere. It is also akin to the implicit and fundamental premises of earlier liberal interpretations of civil society; the reclaiming of autonomous critical space and the eighteenth-century notion of trying to reconcile individual self-interest unleashed by commercial activity with the common good.
- 9 It is from this perspective that some political scientists have questioned the capacity of 'civil society development' programmes to foster democratic consolidation in recent years. Research shows that, while these organisations have certainly produced some positive effects on policy, service provision and governance, their capacity to represent citizens' interests remains weak owing to their remoteness from the local population³. Donors have largely overlooked the existing citizen's networks and associations present in the recipient countries, focusing instead on those organisations that complied with their strict criteria in terms of activity and administrative capacity. This contributed to the creation of a donor-led, elite-based, and professionalized NGO sector that is largely isolated from the societies surrounding it. Critiques argue that foreign intervention has disengaged the NGO sector from domestic constituencies, and thus prevented them from creating social linkages. In this context, the legitimacy of non-representative organisations to play an active role in political life is highly questionable.
- 10 Nevertheless, democracy assistance constitutes a vital support for opposition to authoritarian regimes. In societies where political space is restricted, foreign

intervention can play a critical role in mobilising and organising opposition to the regime. Democracy assistance has proved particularly conducive for undermining 'electoral' or 'competitive' authoritarianism. The overthrow of Milosevic in Serbia is a case in point. Indeed, foreign aid was vital for upholding civic organisations and independent media against the repression orchestrated by the regime throughout the nineties. Whilst initially limited to small-scale projects, democracy assistance developed into a major instrument for undermining Milosevic's rule after the end of the Kosovo crisis. Foreign donors sought to organise and increase the capacity of opposition political parties, civil society organisations and independent media in order to overthrow the regime through elections. This strategy had already proved successful in removing semi-authoritarian regimes in Slovakia (1996) and Croatia (1999). As Milosevic called for early elections to be held on 24 September 2000, foreign donors intensified their efforts to foster opposition to the regime⁴. Besides providing training and funding for political parties, they supported electoral monitoring organisations and NGOs campaigning to mobilize the voters. External support amply contributed to the victory of the democratic coalition in the elections, as well as to the success of the popular mobilisation that led to the fall of Milosevic on 5 October 2000⁵. However, this outcome would have been unlikely in the absence of a pre-existing network of well-established civic organisations. As Carothers points out, the success of foreign intervention needs to be put in the context of 'a decade long struggle by Serbian opposition politicians and civic activists to challenge the hold of Milosevic and the SPS of Serbia'.

Political and Legal Framework for NGOs in Serbia

- 11 Since the downfall of Milosevic, Serbian 'civil society' has been characterised by the dichotomy between a core of politically 'approved' (but essentially apolitical and non-contentious) organisations that are involved in partnerships with state agencies and the government in the context of service provision and EU-funded initiatives; and a politically ostracised and media-targeted tier of long-established, ideologically liberal organisations that played a significant role in the opposition to Milosevic during the late 1990s.
- 12 During Kostunica's term in office, the DSS has been overtly hostile towards civil society organisations, in particular, the more overtly political organisations working on human rights issues, such as the *Helsinki Committee* and the *Humanitarian Law Centre*. Though they were not publicly castigated in the same way, there was nevertheless a latent suspicion of the foreign funded apolitical NGOs involved in EU development projects. These supposed partners of the government and state agencies were tolerated insofar as they enabled the government to gain EU project funding⁶. The Democratic Party representatives, such as Milan Markovic, the former minister for Public Administration and local government, were generally more positive about the role of NGOs, or at least recognised the importance of civil society organisations in fostering good relations with the EU. However, the most vocal support for civil society came from President Tadic, whose pro-EU stance no doubt explains his recent decision to establish the 'Council for Relations with Civil Society'. The Council, which consists of 8 members drawn from the NGO sector, is the only formal institutional representation for civil society in Serbia.
- 13 Critics of the Serbian government's attitude towards civil society have focused either on the absence of a coherent legal and fiscal infrastructure from within which NGOs and civil

society organisations can maximise their role and influence, or have sought to highlight the political animosity and deliberate condemnation of organisations deemed by the 'regime' to be political opponents. The two issues are, of course, connected: the former Kostunica government lacked the political will to strengthen civil society and this explains why the draft law on NGOs was not enacted. Indeed, the law was originally drafted in 2001 and was about to be presented to parliament for ratification by the reformist government of Zoran Djindjic. His assassination and the collapse of his government delayed the passage of the legislation. The law was about to be presented to parliament again towards the end of 2006, just prior to the collapse of the first Kostunica government. Its adoption has been further delayed by the instability of Kostunica's second government. It is almost certain that the law will be enacted during this parliament; the current coalition government has adopted the draft law in July 2008. The Council of Europe and, rather belatedly, the EU have exerted pressure on the new government to enact the law.⁷ However, even when it is passed the law will only offer NGOs basic legal status; their capacity to raise funds, to gain tax exemption and to exist financially as charitable organisations will have to be enshrined in subsequent legislation. Nevertheless, granting NGOs legal status effectively gives them recognition in Serbia as legitimate entities. Such is the animosity that has been directed towards NGOs in recent years, this is seen as an important first stage.

The EU's Approach to Civil Society Development in Serbia

- 14 The EU has focused on civil society as a development priority for Serbia only recently and, nearly a decade since the demise of Milosevic, somewhat belatedly. Since 2000, EU assistance has largely been geared towards the requirements of enlargement and the conditions of the Stabilization and Association process (SAP): institution building, the strengthening of the country's infrastructure, justice and home affairs, economic development and cross-border co-operation. Whilst re-building the economy and developing the infrastructure in order to attract foreign investment have been over-riding priorities, this has been combined with measures to strengthen democratic governance and political processes.
- 15 Support designated specifically for civil society - not as part of a reconstruction or infrastructure project - is a more recent focus and has only become a designated aid objective since 2007 as part of the IPA (Instrument for Pre-accession Assistance). Indeed, during the 1990s it was American donors such as the Soros and Rockefeller foundations that provided support to the civil society organisations battling against the Milosevic regime. During this period the EU dealt directly with the government rather than with NGOs; after October 2000 and the change of leadership, more emphasis was placed on working with civil society and building partnerships around emergency relief and infrastructural development. The Zagreb Summit of 2000 and the start of the Stability and Association process with what was then still the Federal Republic of Yugoslavia was in a sense a turning point, enabling local NGOs to gain access to resources through the CARDS programme and various EIDHR initiatives designed to build state capacity, improve administrative know-how, or develop the provision of social services.⁸

- 16 *The European Agency for Reconstruction (EAR)*. EU assistance for civil society development has been administered by the semi-autonomous European Agency for Reconstruction (EAR), which represents the main arm of EU assistance in Serbia. Support for NGOs therefore began in the context of the provision of emergency energy relief in Kosovo immediately after the ending of hostilities between NATO and the Milosevic government⁹. It is important to note, that although NGOs are routinely engaged as implementing partners, or are granted service contracts and tenures, most EAR funding is channelled through the government of Serbia in the form of large infrastructure projects, which are signed directly with the state. Today, most EU aid and assistance for Serbia, as part of CARDS, is administered by the EAR, which, via its regional office in Belgrade, implements the Commission's Annual Action Programmes for the country. The Agency essentially implements schemes and projects agreed by the Commission and the Serbian government¹⁰.
- 17 Though the EAR does not specifically involve itself with democratic development, there is obviously overlap, particularly with regard to supporting civil society organizations and, as is the case with nearly all EU initiatives and assistance, EAR projects tend to involve local NGOs in some way, either as implementing partners or as direct beneficiaries of projects. In all its various schemes the agency places emphasis on partnerships between NGOs and government. For example, as part of the Agency's €6 million scheme to provide specialised equipment to vocational education and training centres, local NGOs have been involved in delivering various aspects of the reform and in providing training.
- 18 Of the €1.28 billion of aid committed to the country overall since 2002, the EU has, through the Agency, provided €11.5 million specifically for the support of civil society¹¹. In 2006-7 the EAR ran 7 grant programmes designed specifically for civil society development, which benefited local NGOs in 50 municipalities in central and western Serbia. These programmes tended to target organisations operating in socially deprived areas, working on issues and in areas where the EAR is already active; namely, environment, education, EU compliance and promotion, and regional integration. The administration and monitoring of these small grant projects was out-sourced to various implementing partners, such as the European Movement, a local NGO network.
- 19 The overriding aim of such civil society assistance has been to engage local NGOs in joint projects, to build their managerial and administrative capacity to manage projects, and to enable organisations to apply for further funding. Generally much of the agency's aid for NGOs has focused on strengthening the capacity of civil society organisations to participate in policy development and the implementation of poverty reduction measures. Local NGOs have also been supported to deliver various social services in conjunction with local authorities. In particular, the aid has been targeted towards supporting civil society organisations and encouraging them to participate in the preparation of the Poverty Reduction Strategy Paper through the setting up of the Civil Society Advisory Committee, a forum of local NGOs. The aim here being to augment the input of NGOs within consultation processes around local poverty reduction strategies.
- 20 EU funds have also been used to establish a Social Innovation Fund (SIF), which, in conjunction with the Ministry of Social Affairs (now the Ministry of Labour, Employment and Social Policy), has provided resources for joint projects between government and non-governmental sectors with particular regard to economic regeneration and development, employment and social service provision. In addition, a separate fund (Fund to Support Civil Society) designed to support projects concerned with improving

the legislative and fiscal context in which NGOs operate was established. This Fund has also helped to strengthen the input of NGOs within planning and implementing community development programmes.

- 21 What appear to be a myriad of EAR initiatives, all seeking to support civil society in some way or other, have at their core the objective of building NGO capacity for project management, and to develop the agency of NGOs within various broader policy initiatives. The Agency's commitment to working closely with NGOs and to providing what it describes as 'on the job training' (budget psycho-management, record-keeping, accounting as well as tutelage on EU norms and practices) reflects the underlying emphasis on supporting and professionalizing civil society organisations as a means of realising broader development objectives – economic regeneration, policy compliance, and bureaucratic efficiency. In terms of improving the project management capacity of the NGO sector, the EAR believes it has been reasonably successful: over 60% of applications used to fail the first stage of the process because the log-frame or other aspects of the form had not been completed correctly. In 2006-7 this was reduced to only 30%, which does suggest an improvement in the quality of applications and know-how within the NGO sector. This improvement is aided by the existence of independent experts in Serbia who now provide NGOs with training and assistance¹².
- 22 In its administration of EU funds, the Agency acknowledges a fundamental constraint with regard to developmental assistance based on trying to build interaction and partnership between NGOs and government: most initiatives and the interaction between local actors is invariably donor-driven, with the threat that once the project ends the communication will also end. However, certain positive legacies and sustainable outcomes have occurred; an EAR field manager with responsibility for local projects observed:
- 23 'In Versac (in the north east of Serbia), they (a women's NGO) were talking to the mayors because we were there...because of the project. But when I went back 12 months later, the municipality had provided a fund for NGOs.'¹³
- 24 *The local delegation of the European Commission to Serbia.* From January 2009, on closure of the EAR, the European Commission's administering Delegation to the Republic of Serbia ('the Delegation') will assume responsibility for and co-ordinating EU assistance to the country. The Delegation administers EIDHR micro projects, which have only recently been made available to Serbia and are awarded to local NGOs. For the first call for proposal in July 2006, the themes were 'fostering a culture of human rights' and 'advancing equality, tolerance and peace', which are typical initiatives promoted by the EIDHR¹⁴. The number of applications from NGOs received was 108, out of which 21 project awards were made. The project grants allocated are relatively small, delivering between €20-80,000 to recipient organisations, mostly for self-contained, year-long projects. Although most of the funded projects involved the lead NGOs working across the country in collaboration with local partners, the majority of recipients were Belgrade-based NGOs with an established reputation for managing projects. In other words, projects tend to be broad in terms of their geographic reach, but the successful NGOs tend to be based in the capital and to have a proven track-record.
- 25 *EU-funded projects in Serbia: focus, impact and outcomes.* The EU is rapidly becoming the main donor for NGOs and civil society organisations in Serbia. Whilst several of the European and American donors have withdrawn or scaled down their involvement, the EU is setting the agenda for those that remain, both with regard to the focus of assistance and in terms

of organisational management and delivery expectations. In other words, the EU is a critical player and through its micro and macro grants is defining the operational and organisational norms of recipient NGOs¹⁵.

- 26 The majority of projects funded by the EU in Serbia involve some kind of partnership, however nominal, between NGOs and government. Indeed, as already noted, the bulk of EU funding actually benefits the Serbian government, either directly as contracts and tenures for specific infrastructure development, or indirectly through project grants involving NGOs.
- 27 Whilst the latter mostly involve NGOs offering a social or public service that is not otherwise being provided, the EU, via the EAR, encourages the government to stimulate NGO activity and co-operate with the non-governmental sector. In other words, in channelling its aid through organisations is ostensibly engaging and targeting the government. This is reflected in the nature and focus of funded projects: for example, psychosocial support for victims of torture and the rehabilitation of concentration camp victims¹⁶, or contain an education, training or employment skills component, usually targeting a specific marginalised community, or working specifically with internally displaced persons (IDPs) in a particular area¹⁷. Several projects provided training for key workers such as prison guards, teachers or social workers. There were also several examples of projects focusing on some form of human rights education for high school students or younger children and their parents.
- 28 The *Belgrade Centre for Human Rights*, which has been successful in 2 out of the 3 applications it has made to the EAR, is typical of the sort of Serbian NGO that receives EU project grants. It is relatively long established (1995), employing more than 10 full-time staff the majority of whom are professionals recruited for their specific expertise. The organisation has international links (they are the Serbian branch of the International Association of Human Rights Institutes), and the director is an academic who has significant experience in applying for and managing project grants. The organisation has little apparent difficulty in securing the 20% match funding from another donor that the EU requires. Additional donors have included various embassies, foreign development agencies and multi-lateral donors¹⁸.
- 29 But not all skills training programmes funded by the EU deliver sustainable outcomes. Unless a state agency or local municipality takes over the running of the provision, or provides funding for the NGO to continue with the project, the sustainable long-term benefit of such skills and training projects is limited. It is not possible for the organisation to apply for additional revenue from the EU to extend the project. The only option for an NGO is to apply for a different project on a similar theme, but this depends on whether the theme of the latest call for projects is relevant.
- 30 Recent calls for proposals as part of both CARDS and EIDHR have focused on aspects of minority and human rights. Not surprisingly, several funded projects therefore contain a human and minority rights dimension, usually focusing on providing support to marginalised groups within civil society, either in the context of helping them exercise their legal rights or in terms of enabling them to access economic, social and political resources. Unless the outcome of such projects is direct advocacy around a new piece of human or minority rights legislation emanating from an international treaty or agreement that Serbia has signed, or results in more effective implementation of an existing law, the sustainability of project outcomes is questionable. The dilemma faced by a recipient organisations is that a short-term project of between €50 - 100,000 enables

them only to help a fraction of those affected. For example, the organisation *Pomoc Deci* has received several EU project grants to work on strengthening the capacity of Roma organisations and communities, and assisting Roma communities with the process of birth registration. However, due to EU rules and procedures, it was not possible to extend any of the projects into neighbouring communities, or to widen the scope of the provision beyond the terms of the award.

- 31 EU assistance supposedly targeted towards civil society organisations and NGOs with the intention of engaging them in partnerships with the government as part of the EU's commitment to building "good governance" has delivered a limited 'partnership' impact. In large part this is due to the fact that from the outset the focus of EU assistance in Serbia, delivered through the EAR, was infrastructure reconstruction and energy sector modernization. What might be termed democracy promotion, human rights, or civil society development aspects of EU assistance have only recently become a focus, largely as a consequence of the SAP and pre-accession considerations. The most tangible legacy of EU assistance in Serbia would appear to be the existence of a small tier of Belgrade-based professional NGOs with significantly developed capacity to apply for and manage small and medium sized grants. There is little evidence of the diffusion of expertise and know how to small local organisations, nor an increased capacity of the larger organisations to take on larger projects.
- 32 This then begs the question as to whether recipients of EU civil society development assistance represent *civil society* as such, are connected with citizens' networks, and the extent to which they perform a political function other than assisting in legislative approximation and policy development. Even with regard to NGOs assuming these policy-related functions, some doubt is cast on the impact of assistance: when and where it occurs at all, the interaction between recipient NGOs and government or state agencies happens at a low level and invariably involves little more than the granting of licenses or the provision of data. If NGOs do gain access to policy foras as a consequence of EU projects, it is in the context of collating data and producing reports. Most of the activities generated by CARDS funding involved NGOs providing services in communities either in lieu of, or in conjunction with the state and the market. The main findings of the research into EU assistance channelled through NGOs, carried out in Serbia during 2007, can be summarised thus:
 - A core of professional organisations with developed management know-how and organisational capacity exists, mostly within Belgrade.
 - These organisations dominate each round of project grants, work closely with the EAR and the Serbian Office for European Integration, as well as with certain pro-European ministries and state agencies.
 - Assistance benefits a small elite of NGOs, located usually in Belgrade or in other large urban centres (little evidence of diffusion to rural or local level civil society organisations – unless they have been contracted by the large NGOs as implementing partners 'in the field')
 - Assistance thus entrenches existing hierarchies within the community of NGOs
 - The same core organisations dominate each project grant round, largely because they now possess 'capacity' to apply for and manage EU small grants
 - Funded projects focus on service provision in lieu of the state or the market; the provision of policy-related information of data
 - All projects are short-term (typically 12-18 months) and that the interaction between NGO recipients and state agencies is minimal and superficial

- Little monitoring on behalf of the EU takes place at the local level; none by the Commission in Brussels. Key criteria of success are reporting that the objectives of the project have been met and that the money has been spent.

Human Rights NGOs as an Instance of 'Political' Civil Society

- 33 In stark contrast with the 'institutionalized' NGOs, the major domestic human rights advocacy groups (HRG) continue to experience a difficult relationship with the Serbian authorities. The widely unpopular and politicized nature of their activities, essentially centred on issues of war crimes and transitional justice, makes them a prime target of nationalist attacks and an uneasy partner for reformist elites. Essentially composed of Belgrade-based intellectuals, most of these organisations were established in the beginning of the nineties as anti-war movements. During Milosevic's rule, they represented an alternative voice to the domestic nationalist discourse, and became internationally prominent by exposing the war crimes and human rights abuses perpetrated by the Serbian authorities. Like most independent organisations, the HRGs were the targets of continuous repression by a semi-authoritarian regime, which tolerated critics only to the extent that they did not endanger its hold on power.
- 34 In spite of the political changes initiated in October 2000, the activities of human rights organisations remained highly contentious and unwelcome by the authorities. The new government clearly had no intention of addressing the human rights violations and atrocities perpetrated by the former regime in the neighbouring countries and at home. This became obvious, as cooperation with The Hague Tribunal proved difficult due to opposition within the ranks of the new political elite. The failure of the Yugoslav Commission for Truth and Reconciliation further corroborated this state of affairs. It exposed in broad daylight the irreconcilable ideological divisions and conflicting interests within the ruling class. On the one hand, civil society activists and liberal fractions in government promoted the idea of creating a truth commission in order to establish a record of human rights violations perpetrated by the former regime and redress the victims. On the other hand, the conservative circles represented by Kostunica, who established the commission through a presidential decree, saw it as an opportunity for consolidating the nationalist narrative and appeasing the pressure of the Hague Tribunal. In those circumstances, this initiative proved unworkable from the start.
- 35 The transitional justice agenda was thus taken on by domestic HRGs, which were already fully integrated in regional and international human rights networks as a result of their activism during the nineties. These organisations constituted an important source of local support for the war crimes trials at the International Tribunal for the former Yugoslavia (ICTY). They assisted the prosecutor's office in putting together evidence and providing legal expertise, as well as material and psychological support for victims at the local level. Local organisations, such as the *Humanitarian Law Centre* and the *Lawyer's committee for Human Rights*, also participated in the dissemination of the court's findings in partnership with the ICTY's outreach office in Belgrade. In addition, the HRGs have played a major role in supporting and monitoring domestic war crimes trials since the War Crimes Chamber was established at the Belgrade District Court in 2003.

- 36 In terms of advocacy work, human rights organisations have focused their activities on sensitising public opinion over the devastating legacy of nationalism and war - a project commonly labelled 'facing the past'. This primarily consists in promoting public acknowledgement of past atrocities and exerting pressure on the authorities in order to generate political accountability. The campaign reached a peak in the summer of 2005, as the tenth anniversary of the Srebrenica massacre was approaching. It was marked by the broadcasting of a video footage featuring the execution of six Bosniak teenagers from Srebrenica by members of the Serb paramilitary unit 'Škorpioni'. This video, which was made public by the HLC, instantly sparked off public debate over the Srebrenica massacre. This was further pressed forward through the organization of public actions, such as the provocative display of billboards reminding the residents of Belgrade about Srebrenica. Eight NGOs came together to form a lobby group in order to put forward a draft declaration condemning the massacre in Srebrenica for the Serbian parliament to adopt. The initiative was eventually turned down due to the opposition of the far-right Radical Party, Milosevic's Serbian Socialist party, and the Serbian Democratic Party of Prime Minister Kostunica. Nevertheless, it succeeded in bringing the issue of war crimes into domestic politics, and led president Tadic to symbolically attend the commemoration of the tenth anniversary of the Srebrenica massacre.
- 37 The HRGs were overtly critical towards Kostunica's government, which they blamed for perpetuating public denial of atrocities committed in the name of the Serbian nation and reinforcing the political culture of ethno-nationalism. Indeed, the members of this group of organisations generally perceived and portrayed the new authorities as an extension of the nationalist rule established in the nineties. But political contestation came at a high cost. The major human rights organizations incarnated by Natasa Kandic, Sonja Biserko, and Biljana Kovacevic-Vuco were subject to a fierce campaign of intimidation and harassment orchestrated by the most conservative elements in society. The onslaught against what amounts to less than ten organisations were predominantly personal and extremely vindictive. The prominent women who run several of these organisations have been the target of verbal attacks and harassment perpetrated by politicians and leading media commentators. As well as their sanity and loyalty to the state being put to question, they are accused of being part of the communist elite, or not being truly Serb¹⁹. Questions have also been raised regarding the financing of these organizations, with the suggestion that they are the recipients of illegal funding, or are on the payroll of various international mafias. On top of that, human rights activists and independent journalists have been subject to physical assaults on several occasions. In April 2007, a prominent journalist who extensively covered the issue of war crimes was the target of a bomb attack in the centre of Belgrade.
- 38 Besides being in open conflict with the nationalist elites, the HRG are also highly critical towards those fractions of civil society that cooperate with, or have become partners of, the government. The split within what used to constitute a common front in opposition to the regime of Milosevic is manifested by the divorce between organizations seeking to establish a pragmatic dialogue with the new authorities, and those radical human rights groups challenging the foundations of the new order. The divergent views were publicly expressed through a lengthy polemic between members of civil society that took place in the weekly newspaper 'Vreme' in 2002²⁰. On the one hand, the human rights activists blamed the independent media, especially B92 and the weekly 'Vreme', of collaborating with the elites in concealing and mitigating the war crimes and avoiding to mention the

responsibility of Serbian society. In their view, public disregard for war crimes trials was the intended result of inadequate media coverage of these issues in Serbia. On the other hand, these charges were refuted by representatives of the media sector who attributed the failure of Serbian society to address the legacy of war crimes to the incapacity of the ICTY and local human rights organizations to generate public engagement with the past in Serbia. Indeed, the human rights NGOs have been subject to severe criticism from their former comrades for being excessively politicized and for having adopted an aggressive strategy of 'confronting' the public with the past, which has not produced the desired effects on society.

- 39 Although cooperation with the Hague tribunal is an intrinsic component of the EU conditionality towards the Western Balkans, EU assistance for civil society in Serbia has largely bypassed those organizations dealing with war crimes and transitional justice. Indeed, EU policy with regard to war crimes in the Western Balkans essentially consists in pressuring the governments from the region to cooperate with the ICTY. It does not involve any support for local human rights advocacy groups, which do not have access to EIDHR funding. This policy can be explained by the reluctance of EU institutions to get involved into any kind of partisan politics at the domestic level. As mentioned earlier, war crimes issues are extremely sensitive and highly politicized. This is illustrated by the frequent clashes between HRGs and right-wing organizations that promote nationalist values and glorify the suspected war criminals. While most of these right-wing organizations are affiliated to the Serbian Radical Party, several representatives of the most prominent HRGs are sitting on the political council of the Liberal-Democratic Party. In those circumstances, any support for HRGs from the EU would be interpreted as involvement in domestic politics and open hostility towards the nationalist elites.
- 40 The absence of a coherent European democracy assistance policy in Serbia has led to the emergence of conflicting interests within the donor-driven civil society. These divergences became visible in April 2007, when several human rights NGOs appealed to the EU not to sign the SAA with Serbia before it had handed over all suspected war criminals to The Hague. These organizations have suggested the EU adopt a new kind of dialogue with Serbia that would include civil society, youth, small entrepreneurs and pro-European parties. The 'institutionalized' NGOs, led by the European Movement, immediately reacted by expressing their disagreement with these appeals. Nevertheless, these different fractions within civil society have shown that they are able to overcome their differences when their common interests are imperiled. This is best illustrated by their common appeals calling upon the EU to sign the SAA with Serbia as soon as possible and condemning the emerging anti-European discourse in Serbia in the wake of the presidential elections in January 2008. Indeed, it seems that in view of the deteriorating political climate, the human rights NGOs have rallied to the cause of accelerating Serbia's rapprochement with the EU in order to prevent 'non- and quasi- democratic forces from once again isolating the country'²¹.

Conclusion

- 41 The emphasis placed by the EU/EAR on capacity-building has, inadvertently perhaps, served to reinforce the dichotomy between the community of professional NGOs on one hand, and "political" civil society on the other: granting projects to non-political service provider NGOs has helped institutionalise such organisations and their activities as

'acceptable' civil society. By engaging them in what amounts to low-level partnerships with the state, contracting them to deliver services in the community, and raising their profile generally in society the EAR has helped consolidate the status of organisations such as the European Movement, Group 484 and other Belgrade-based NGOs as institutional representations of civil society.

- 42 On the other hand, the human rights groups that are dealing with politically sensitive issues are generally ineligible for EU assistance by virtue of the issues on which they work, and are therefore being further marginalized and ostracised. For critics, this merely contributes to the legitimization of the government's illiberal political stance towards politically-engaged civil society and towards issues such as human and minority rights. In their pursuit of good governance and intra-sectoral partnership, the EU and other donors stand accused of having failed to challenge the political and moral discourses that stand as the greatest impediments to the emergence in Serbia of a truly civil society based on western values²².
- 43 Partnership between the non-governmental and governmental sectors is indeed an aspect of developing civil society. But in situations where the state is weak, or lacking in its commitment to upholding liberal rights, the capacity of civil society organisations to articulate a political critique and engage in deliberation with government is vital. Whether or not foreign donors can contribute towards the development of this aspect of civil society remains open to question.

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NOTES

1. There is huge literature analysing the impact of NGOs and western assistance in Central and Eastern Europe, Central Asia, the FSU and the Balkans. See in particular, **Wedel (J.)**, *Collision and Collusion: The Strange Case of Western Aid to Eastern Europe, 1989-1998* (New York: St Martin's Press); Henderson (note 8); **Cellarius (B. A.) and Staddon (C.)**, 'Environmental Nongovernmental Organisations, Civil Society and Democratization in Bulgaria', *East European Politics and Societies*, Vol.16, No.1 (2002), pp.182-222; **Mandel (R.)**, 'Seeding Civil Society', in **Hann (C. M.)**, *Postsocialism: Ideals, Ideologies and Practices in Eurasia*, London: Routledge, 2002, pp.279-96; **Belloni (Roberto)**, 'Building Civil Society in Bosnia- Herzegovina' (*Human Rights Working Paper* No. 2, January 2000); **Sali-Terzic (S.)**, 'Civil Society', in **Papic (Z.) et al.**, eds, *International Support Policies to South-East European Countries: Lessons not Learned in B-H*, Sarajevo: Muller, 2002.
2. **Kaldor (Mary)**, **Vejvoda (Ivan)**, *Democratization in Central and Eastern Europe*, London: Pinter, 1999; Green (Andrew T.), **Skalnik Leff (Carol)**, 'The Quality of Democracy; Mass-Elite Linkages in the Czech Republic', *Democratization*, Vol. 4, No. 4 (1997)
3. Ottaway, M. and Carothers, T. (ed.) *Funding Virtue: Civil Society Aid and Democracy Promotion*, pp.293-310
4. **Carothers (Thomas)**, 'Ousting Foreign Strongmen: Lessons from Serbia', *Carnegie Endowment Policy Brief*, 1:5, 2001, pp. 2-3.
5. For a detailed account of Milosevic's downfall, see **Bujosevic (Dragan)**, **Radovanovic (Ivan)**, *The Fall of Milosevic: The October 5th Revolution*, New York: Palgrave Macmillan, 2003.
6. Interview with Miljenko Dereta.
7. The EU has only recently focused on the issue, which is surprising considering the importance of NGOs in aid and assistance. The recently appointed head of the Local Delegation to Serbia, Josep Lloveras, took up the issue and placed it on the list of 15 priorities that Serbia has to deal with as part of the SAp.
8. The Zagreb Summit of November 2000 formally established a new relationship with the Federal Republic of Yugoslavia. The Summit marked the start of the SAp, and in its declaration stated that: 'the prospect of a stabilization and association agreement is now established in accordance with the invitation issued by the Council on 9 October 2000. A decision has been taken to set up a "EU/FRY consultative task force". The Commission will work on a feasibility study with a view to negotiating directives for a stabilization and association agreement.' (

<http://www.delscg.cec.eu.int/en/documents/24-11-2000-zagreb-declaratione.htm>) accessed 26/7/07.

9. The Agency continues to distribute aid to Kosovo, but via its Pristina office.
10. The EAR's mandate in Serbia, which has been extended twice, is to come to an end in December 2008 when the Local Delegation will assume responsibility for administering the Commission's priorities and funds for Serbia in the context of the IPA framework. Critics of this decision emphasise that the EAR has proved to be an efficient aid agency, which enjoys significant authority and devolved and decentralised power, and that such flexibility and capacity may well be lost when funding is administered by the Delegation. Until 2008 the funding priorities for the EAR are essentially those highlighted in the European Commission's 2002-6 Country Strategy Paper, the associated three-year Multi-annual Indicative Programme (MIPs), the recommendations arising as part of the Stabilization and Association process (SAP), which started again in June 2007, and the European Partnership priorities.
11. Most EU support for NGOs comes from CARDS, via the EAR. Whilst a few NGOs have obtained funding directly from Brussels, usually as part of global EIDHR macro project initiatives, EIDHR micro grants have not been made available to the NGO sector in Serbia.
12. Interview with Vassilis Petrides, The European Agency for Reconstruction (EAR), 23rd March 2007, Belgrade.
13. Interview with Vassilis Petrides, The European Agency for Reconstruction (EAR), 23rd March 2007, Belgrade.
14. EuropeAid/123857/L/ACT/CS (2006).
15. Interview with Jelena Radojkovic, *Belgrade Centre for Human Rights*, 22nd March 2007 (Belgrade)
16. For example, projects run by *International Aid Network* (Belgrade) and *Srpski savet za izbeglice* (Serbian Refugee Council).
17. *Srpski Demokratski Forum* and *International Aid Network* (Belgrade).
18. For example, Royal Norwegian Ministry of Foreign Affairs, Olaf Palme International Centre, OSCE, Council of Europe, Royal Danish Embassy, Canadian International Development Agency (CIDA), Open Society Institute in Belgrade (Soros Foundation).
19. For instance, the vicious personal attacks on Sonja Biserko, president of the Helsinki Committee and a leading human rights activist in the former Yugoslavia, in mainstream and respected publications such as *Politika* (3rd September 2006), *Ogledalo* (6th July 2006), *Srpski nacional* (19th June 2005). Biserko, a Nobel prize nominee in 2005, was physically attacked outside her home in Belgrade and was repeatedly castigated in the media for speaking out against human rights abuses and the issue of Srebrenica in particular.
20. See *Vreme*, vol. 604 to 621, from 1 August to 28 November 2002.
21. 'Letter to the Governments of the EU Member States' issued on 18 January 2008 and accessed on www.helsinki.org.yu/index.html
22. Interview with Sonja Biserko, June 2007, Belgrade.

ABSTRACTS

This paper looks at the impact of EU intervention on the third sector in post-Milosevic Serbia. We argue that the framing of EU pre-accession assistance to Serbia in terms of 'developing civil society' is a political distraction; it obfuscates the true purpose and outcomes of EU intervention

by implying that the focus of aid is the empowerment and strengthening of civil society as an arena of political contestation and as the basis of democratic regime change. In practice, EU assistance has as its goal far less politically radical objectives: the aim is to build governance and state capacity.

Cet article examine l'impact de l'intervention de l'UE sur le tiers-secteur dans la Serbie de l'après-Milosevic. Nous sommes d'avis que l'élaboration de l'aide de pré-adhésion à la Serbie en termes de «développement de la société civile» est une politique de distraction, il cache le vrai but et les résultats de l'intervention de l'UE en sous-entendant que la priorité de l'aide est l'autonomisation et le renforcement de la société civile, en tant que scène de la contestation politique et en tant que base du changement du régime démocratique. Dans la pratique, l'assistance de l'UE a des objectifs beaucoup moins radicaux sur le plan politique : l'objectif est de renforcer la gouvernance et la capacité de l'État.

INDEX

Geographical index: Serbie, Union européenne

Mots-clés: Société civile, Démocratie

AUTHORS

ADAM FAGAN

Senior Lecturer, Department of Politics, Queen Mary, University of London

MLADEN OSTOJIC

PhD Candidate, Queen Mary, University of London